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Newark / Philadelphia

January 21, 2022

VIA ECF

Hon. William J. Martini, U.S.D.J.
Hon. Cathy L. Waldor, U.S.M.J.
United States District Court, District of New Jersey
Martin Luther King Bldg. & U.S. Courthouse
50 Walnut Street, Rm. 4015
Newark, NJ 07101

Re: *Elizabeth McNair, Administrator Ad Prosequendum of the Estate of Darrell Smith, and Elizabeth McNair, individually v. State of New Jersey, et al*
Civil Action No. 2:21-cv-01291 WJM-CLW

Dear Judge Martini and Judge Waldor:

This office represents Defendant Sergeant Freddie Rodriguez in the above referenced matter. On or about December 14, 2021, Defendants, State of New Jersey, New Jersey Department of Corrections, Special Treatment Unit, Adult Diagnostic Treatment Center, Marcus Hicks, Acting Commissioner Victoria Kuhn, and New Jersey Department of Health filed a motion seeking to strike paragraphs 182 – 205 from Plaintiff's Second Amended Complaint pursuant to Fed. R. Civ. P. 12(f)(2). In lieu of a more formal submission and to not overburden the Court, the Defendant Rodriguez, by way of this correspondence, seeks to join in the motion to strike for the reasons expressed by the Defendants in their submissions.

Should Your Honors have any questions or require any additional submissions, please do not hesitate to have your chambers communicate with me.

Respectfully submitted,

/s/ Victor A. Afanador

Victor A. Afanador

VAA:cd

cc: All Counsel of Record (via ECF)